IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

WP(C).No. 18544 of 2007(G)

PETITIONER:

M.MADHU, S/O.MANIYAN, AGED 39 YEARS,
DEVASWAM VELI HOUSE, POLLATHAI P.O.,
ALAPPUZHA, NOW WORKING AS L.D.C, ADDITIONAL
DISTRICT COURT, MAVELIKKARA.

BY ADV. SMT.C.G.BINDU
SMT.C.G.AJITHA

RESPONDENTS:

1. THE PRINCIPAL DISTRICT SESSIONS JUDGE,
DISTRICT COURT, ALAPPUZHA.

2. REGIONAL PASSPORT OFFICER
PASSPORT OFFICE, ALAPPUZHA.

BY G.P. SHRI.I.V.PRAMOD.

SHRI.PARAMESWARAN NAIR, CGC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

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W.P.(C).No.18544 of 2007

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Dated this the 4th day of July, 2007

J U D G M E N T

The petitioner is an employee in the Judicial Service in the Kerala State as L.D.Clerk in the Additional District Court, Alappuzha. He applied for a passport along with a N.O.C. issued by the 1st respondent-District Judge. But the 2nd respondent returned the application on the ground that the petitioner being a Government employee, he has to submit the application along with an identity certificate issued by the concerned authority in the prescribed form with a certification in respect of the requirement of Section 6(2) of the Passports Act. The petitioner, in the above circumstances, seeks the following reliefs:

> "i) A writ in the nature of mandamus or other appropriate writ be issued against the 1st respondent to consider petitioner's Exhibits-P2 and P3 applications;

OR

ii) A writ in the nature of Mandamus or any other appropriate writ, against the 2nd respondent to consider petitioner's No Objection Certificate issued by the 1st respondent.

OR

iii) To issue a writ in the nature of Mandamus or other appropriate writ against the 2nd respondent to call for police enquiry and verification in the matter of issue of passport to the petitioner;"

2. I had obtained a report from the concerned District Judge who has stated that for issuing an identity certificate in the firm prescribed, the District Judge has to certify that the applicant is not likely to engage in any of the prohibited activities prescribed under Section 6(2) of the Passports Act, which is impossible of compliance since the District Judge cannot take that responsibility. On a consideration of the same, I also feel that the District Judge is correct.

3. In the above circumstances, I dispose of this writ petition with the following directions:

The 2nd respondent is directed to consider the application of the petitioner on the basis of the

no objection certificate already issued by the 1st respondent and after conducting police verification with regard to the provisions of Section 62(2) of the Passport Act. This shall be done as expeditiously as possible.

Writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.